

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

TIERRA STEWART, on behalf of D. M., a)
minor child,)
)
Plaintiff,)
)
vs.) Case No. CIV-05-1208-T
)
JO ANNE BARNHART, Commissioner of)
Social Security Administration,)
)
Defendant.)

ORDER

Plaintiff brought this action to obtain review of the defendant Commissioner's decision denying plaintiff's application for childhood disability benefits for her minor son. The matter was referred to United States Magistrate Judge Valerie K. Couch for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B). On December 22, 2006, Judge Couch filed a Report and Recommendation [Doc. No. 19] in which she recommended that the decision of the Commissioner be reversed and the matter remanded for further proceedings.

In the Report and Recommendation, the magistrate judge advised the parties of their right to file objections to same and scheduled a January 11, 2007 deadline for filing same. The magistrate judge further cautioned the parties that a failure to timely object would constitute a waiver of the right to appeal. The deadline for filing objections has expired; to date, neither party has filed objections or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 19] is adopted as though fully set forth herein.

In accordance with the foregoing, the decision of the Commissioner denying plaintiff's application for childhood disability benefits is REVERSED, and this matter is REMANDED to the Commissioner pursuant to 42 U.S.C. §405(g).

IT IS SO ORDERED this 26th day of January, 2007.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED this ____ day of October, 2004.